

Remarks

Applicant has amended claims 1, 17 and 20. Applicant respectfully submits that no new matter was added by the amendment, as all of the amended matter was either previously illustrated or described in the drawings, written specification and/or claims of the present application. (See, p. 5, Ins. 2-4.) Entry of the amendment and favorable consideration thereof is earnestly requested.

Claims 1 and 20 recite, among other limitations, "said embedding medium selected from the group consisting of: epoxy resin or other duroplastic synthetic materials, cement, ceramics and combinations thereof." In addition, claim 17 recites, among other limitations, "an embedding medium inserted into said recess and setting up in and around said data carrier such that a rigid body is formed by means of which said data carrier is non-removeably held in said undercut as a unitary rigid structure."

Applicant submits that the cited prior art fails to teach or suggest the above-listed limitations. For example, U.S. Patent No. 4,274,423 ("Mizuno et al.") teaches use of a "protective filler material, having resiliently elastic and insulating characteristics." (Col. 2, Ins. 11-13.) In addition, Mizuno et al. teaches that an "elastic body having soft properties for example, silicone rubber, is suitable for the fabrication of the protecting member 22. A hard material, such as an epoxy resin, is not suitable for the protecting member 22, since, if used, it rigidly fixes the position of the pressure sensor 14 so that the thermal stresses which occur between the supporting member 11 and the sensor member 14 are not absorbed." (Col. 6, Ins. 39-45.)

It is well settled that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. MPEP 2143.01; *In re Gordon*, 733 F.2d 900, 221 USPQ2d 1125 (Fed. Cir. 1984). In the present case, Applicant respectfully submits that if the clear statements made in Mizuno et al. were ignored and an epoxy resin were provided as the filler material as per the pending claims, the pressure sensor would be rigidly fixed such that it would be inoperable. Accordingly, such a modification can not be obvious.

In addition, Applicant respectfully submits that modification of Mizuno et al. to include wireless data transmission would also work against stated objects of the invention, namely that providing “a small-sized pressure transducer” and providing “a small-sized needle type pressure transducer.” (Col. 2, Ins. 29-35.) This is because system of Mizuno et al. receives electrical power via the electrical conductors from an electrical power source. (See, col. 7, Ins. 8-20.) If the system taught in Mizuno et al. were provided as a wireless transmitter, the electrical power source would have to be relocated into the insertion device greatly increasing the size and weight of the device. Applicant notes that it is uncertain whether a relatively compact portable battery could provide enough power such that the bridge circuit configuration as described at Column 7 and illustrated in FIGS. 10A and 10B would function properly.

It is respectfully submitted that claims 1, 4-5, 7-13, 15, 17-18 and 20-21 all of the claims remaining in the application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

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